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FISCAL IMPACT STATEMENT

LS 7335

BILL NUMBER: HB 1517

NOTE PREPARED: Jan 21, 2013

BILL AMENDED:

SUBJECT: Ignition Interlock Devices.

FIRST AUTHOR: Rep. Kirchhofer

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes the following changes in current law:

- (1) Changes the conditions under which a court is required to grant a hardship license with restricted driving privileges;
- (2) Restricts a person to operating only vehicles with a functioning and certified ignition interlock device in certain situations;
- (3) Provides that if a court has granted a person restricted driving privileges for a restricted driver's license because of hardship, the person has violated the restrictions, and the Bureau of Motor Vehicles (BMV) determines that the person has a functioning certified ignition interlock device installed in the vehicles the person expects to operate, the BMV may extend the suspension of the person's driving privileges and ignition interlock restrictions;
- (4) Provides that if a person operates a vehicle in violation of a probationary license, the BMV may extend the suspension of the person's driving privileges and ignition interlock restrictions;
- (5) Provides that a court may grant a person under 21 years of age who operated a vehicle with a certain blood alcohol concentration probationary driving privileges restricting the person to operating only vehicles equipped with ignition interlock devices;
- (6) Provides that a court may grant a person convicted of operating a motorboat while intoxicated probationary driving privileges restricting the person to operating only vehicles equipped with an ignition interlock device;
- (7) Provides that if a court grants a person certain probationary driving privileges, the person may operate only a vehicle with an ignition interlock device;
- (8) Changes the notice that must be provided to a person whose driving privileges are suspended for

- refusal to submit to a chemical test;
- (9) Provides that if a person whose driving privileges have been suspended files an application for an issuance of an ignition interlock probationary license, the person waives the right to a judicial hearing;
 - (10) Provides that certain ignition interlock restrictions remain in effect until the BMV receives a notification from the ignition interlock vendor that certain incidents have not occurred; and
 - (11) Creates the Ignition Interlock Assistance Fund to be administered by the BMV, to assist indigent persons in meeting ignition interlock device expenses. The bill requires an ignition interlock device vendor to collect a \$20 monthly user fee and to forward this fee to the BMV to fund the Assistance Fund. It also changes certain driver's license suspension periods.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Bureau of Motor Vehicles (BMV)* - The BMV will administer the nonreverting Ignition Interlock Assistance Fund, which will be used to pay for ignition interlock devices for individuals defined as indigent (125% of federal income poverty level) who are ordered by the court to use an ignition interlock device. The BMV is to adopt rules dealing with the administration of the Fund.

The bill requires that individuals ordered to use an ignition interlock device that are not deemed indigent must pay a \$20 monthly fee (in addition to other costs associated with the devices) to their ignition interlock provider. These fees collected by the providers will be remitted to the Fund. The Fund also consists of money received from other sources, including appropriations. The cost to administer the Fund may be paid for by the Fund.

The remaining provisions of the bill dealing with ignition interlock devices and the requirements outlined for drivers ordered to use the devices are within BMV's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Treasurer of State - The Treasurer of State is to invest the money in the Fund not currently needed to meet the obligations of the Fund. This requirement is within the Treasurer of State's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Background: *Indigent Individuals* - The bill defines indigent individuals as having an income of not more than 125% of the federal income poverty level. In 2012, this equates to \$13,963 for a one-person household and \$28,812 for a four-person household.

Ignition Interlock Devices - Individuals who are ordered to install and properly maintain an ignition interlock device are likely to pay between \$100 and \$250 for installation, and monthly maintenance costs may run between \$65 and \$90 per month.

FY 2012 Citations - The bill requires that certain individuals be granted a hardship license with restricted driving privileges and interlock ignition devices. These include those individuals who fail or refuse a chemical test (29,000 citations in FY 2012), individuals who operate a motorboat while intoxicated (75 citations, 64 of whom were deemed guilty in FY 2012), and minors operating under the influence of any alcohol (48 citations in FY 2012 and 42 guilty verdicts). According to the bill, for those individuals who violate the terms of a probationary license (6 guilty verdicts in FY 2012), the BMV may extend the length of time they are required

to keep a probationary license with an ignition interlock device.

Under the bill, courts may not require an ignition interlock device in those cases of probationary driving privileges when the individual is already taking part in a program of supervised alcohol treatment that involves disulfiram.

Explanation of State Revenues:

Explanation of Local Expenditures:

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State Agencies Affected: BMV, Treasurer of State.

Local Agencies Affected: Courts.

Information Sources: Bureau of Motor Vehicles Citation Report; U.S. Department of Health and Human Services 2012 Poverty Guidelines; *Ignition Interlocks - What You Need to Know* (National Highway Traffic Safety Administration, November 2009).

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